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SUBJECT: MFA ON JORDAN LABOR CASE AND IOM ROLE

REFS: A) HANOI 0309; B) AMMAN 0902

HANOI 00000356 001.2 OF 002

1. (SBU) Summary: PolCouns held a detailed one-hour meeting on March 27 with MFA Consular Department Chief of Overseas Consular Affairs Vu Le Ha regarding resolution of the case of over 200 Vietnamese factory workers on strike in Amman, Jordan. PolCouns stressed the benefit of involving the International Organization for Migration (IOM) to ensure transparency in the repatriation of the workers. Ha responded that in principle the GVN has no problem in working with IOM and indeed has worked with them on other worker returnee cases in the past. However, from a logistical point of view, they do not see the need to engage IOM's services as they have their own team on the ground; a team of GVN Foreign and Labor Ministry officials, along with representatives of the Vietnamese recruitment firms involved, has been in Amman since March 10 negotiating a solution and processing requests for repatriation. MFA does understand the need for transparency and objectivity and will consider further interaction with IOM. At the same time, it appears the GVN is still trying to negotiate with the GOJ to allow the bulk of the workers to remain. According to MFA, the GOJ found 216 Vietnamese workers in violation of Jordanian labor law and requested that they return to Vietnam; an initial group of five workers has already returned to Vietnam without any problems. End Summary.

GVN CONSIDERS IOM INVOLVEMENT

2. (SBU) On March 27, PolCouns and Poloff met with Mr. Vu Le Ha, Overseas Consular Affairs Chief, Consular Department of the GVN MFA to discuss resolution of the case of over 200 striking Vietnamese garment workers in Amman, Jordan. PolCouns expressed appreciation for the GVN's previous updates on the situation (Ref A) and said the involvement of IOM in the repatriation process could promote transparency and address international concerns about the nature of that process. Polcouns stressed that as an independent, UN-affiliated organization with no connection to the USG or any activist group IOM is uniquely qualified to address any concerns about the process in a credible way that would benefit all involved.

3. (SBU) Ha responded that the GVN had no problem working with IOM, noting that the GVN had just become an official member of IOM in November 2007 and had worked with IOM in a past case to repatriate Vietnamese workers from Lebanon. He said the GVN team on the ground had informed IOM Jordan of the situation and that IOM in Hanoi was also well aware of it.

4. (SBU) Ha explained that in the previous Lebanon case, the GVN did not send out its own team but rather worked through IOM. In this case, Vietnam had sent out a team of both government officials and

recruitment company representatives to Jordan, so the MFA did not see the need to engage IOM's services. From the GVN point of view, the number of workers involved is not high and the recruitment firms were already helping to buy the air tickets for returnees. Ha added that if IOM had a request, "we would cooperate willingly with them," and that if the case were on a larger scale, the GVN would request assistance from IOM. Ha stated that Vietnam "takes responsibility for its citizens."

15. (SBU) PolCouns reiterated that even with the GVN clearly very engaged in addressing the needs of its citizens in this case it would be worthwhile to look closely at the benefits of involving IOM as an independent and impartial player that could vouch for the transparency of the repatriation process. He noted that the USG is not seeking further engagement on this issue but hopes to play a constructive role in addressing concerns raised by groups that have an interest in this case. Ha said he highly appreciated the suggestion and said he would relay the information to his superiors and the GVN team on the ground in Amman. He added that the GVN would at least "draw lessons from this case for the future."

GVN ON HOW THE CASE EVOLVED

16. (SBU) Recounting the events that led to the current situation, Ha said over 261 Vietnamese workers, mostly female, had gone to Jordan to work for a Taiwanese garment firm, W&D Apparel. On February 9, the workers went on strike because the employer was not complying with contract specifications and was paying a lower salary. In addition, Ha said the workers were faced with "sub-standard" living conditions and "discrimination," in comparison to other foreign workers.

17. (SBU) After the initial February 9 demonstration, the employer, W&D Apparel, increased the salary and some of the workers returned to work. However, many did not. Ha said this was because the NGO Boat People SOS had interfered to "make a political demonstration"

HANOI 00000356 002.2 OF 002

out of the situation by inciting the workers not to return to work in exchange for payments and a promise of political asylum to the United States. According to Ha, on February 19, those who chose to remain on strike attacked those who returned to work. Local Jordanian police subsequently intervened to separate the two groups and a scuffle with police officers ensued.

18. (SBU) Ha said the MFA rapidly convened a working group and on March 10 sent a GVN delegation including MFA and Ministry of Labor, Invalids and Social Affairs (MOLISA) officials, along with representatives from the involved Vietnamese recruitment companies, to Amman to protect its workers' rights and to reconcile differences between the two factions of workers. After negotiations on the ground, in early March the employer agreed to take back some of the workers but identified others as "troublemakers" that they would not take back. The Vietnamese delegation, in turn, agreed to help repatriate those workers that wanted to return to Vietnam and those that had been rejected for re-employment by the employer. On March 16, a first group of five Vietnamese workers landed at Hanoi's Noi Bai Airport.

MFA: GOJ SAYS WORKERS VIOLATED LABOR LAWS, MUST LEAVE

19. (SBU) Ha said the GVN team was now making arrangements for others to return. When asked to clarify how many returnees he was talking about, Ha said it was a total of 216; the GOJ Ministry of Labor and the employer had said that most had violated local Jordanian labor laws and needed to return to Vietnam. However, Ha said the exact numbers to return was still to be determined as the GVN continues negotiating with the GOJ to allow those workers who wanted to remain and work to do so. Ha said his government acted in a "timely and in a humanitarian manner" to protect the "legitimate rights of Vietnamese workers."

CLARIFICATION ON NUMBERS OF RETURNEES

¶10. (SBU) Ha said that the GVN was planning to return a total of 216 Vietnamese workers from Jordan, five having already returned, 161 from one factory and 55 from another. He clarified that the Jordanian government had found that these 216 strikers had violated Jordan's labor law but had stipulated that the employer provide all back pay before each worker departed. Ha said the current situation was much less tense and the GVN team on the ground was still trying to negotiate with the GOJ to allow those workers who wished to remain and work to do so.

RETURNEES WILL NOT FACE GOVERNMENT PROSECUTION

¶11. (SBU) In response to a question from Poloff, Ha said those who returned to Vietnam would not face legal prosecution nor financial penalties from the GVN because they had not violated Vietnamese law. However, he added that returnees may have to negotiate with their labor recruitment firms regarding their contracts, implying potential financial penalties, but that this would be a "civil matter." He added the first group of five workers to leave Jordan had all returned to their homes and were now "living normal lives."

COMMENT: STILL TIME TO INVOLVE IOM

¶12. (SBU) Mr. Ha was very open in his discussion of the case and it appears the GVN does not have any problem working with IOM as it has in the past. In this particular case, with a team of GVN officials and recruitment company representatives on the ground handling repatriation the GVN feels that they do not need IOM's services. Still, with only five workers of the 216 having returned to Vietnam so far, there is still time to engage IOM in the process in some capacity should the GVN choose to do so. Regardless of the GVN's views of BPSOS's role in instigating the strikes, the GVN seems committed to resolving this issue in a positive manner.

MICHALAK